



**EAST LOTHIAN COUNCIL**  
**DEPARTMENT OF RESOURCES AND PEOPLE SERVICES**  
**EDUCATION SERVICE**

**STATUTORY CONSULTATION REPORT**

**REPORT ON THE OUTCOME OF THE CONSULTATION ON THE PROPOSED  
CLOSURE AND RE-DESIGNATION OF NORTH BERWICK NURSERY SCHOOL TO  
LAW PRIMARY SCHOOL NURSERY CLASS**

**March 2018**

This Consultation Report has been issued by East Lothian Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

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**EAST LoTHIAN COUNCIL**

**RESOURCES AND PEOPLE SERVICES**

**EDUCATION**

This report has been prepared following consultation on the following proposal:

- The closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class.

This proposal **directly affected** the following schools:

- North Berwick Nursery School
- Law Primary School

Having had regard (in particular) to:

- a) Relevant written representations received by the Council (from any person) during the consultation period
- b) Oral representations made to it (by any person) at the public meeting held on 21<sup>st</sup> November 2017
- c) Oral representations made to it at the public drop-in session
- d) Oral representations made to it at the pupil voice sessions
- e) Education Scotland's report on the proposal

## **1. INTRODUCTION**

1.1 This is a Consultation Report prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal.

1.2 The purpose of this report is to:

- Provide a record of the total number of written responses made during the Statutory Consultation period;
- Provide a summary of the written responses;
- Provide a summary of oral representations made at the public meeting held on 21<sup>st</sup> November 2017;
- Provide a statement of the Council's response to those written and oral representations;
- Provide the full text of Education Scotland's report and a statement of the Council's response to this report;
- State how the Council reviewed the above proposal following the representations received during the Statutory Consultation period and the report from Education Scotland;
- Provide details of any alleged omission from, or inaccuracy in, the Consultation Proposal Document and state how the Council acted upon it; and
- State how the Council has complied with Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposal.

## **2. BACKGROUND**

2.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area, including the provision of education for eligible pre-school children and includes any school or Early Learning & Childcare centre (e.g. nursery school), which are run by the Education Authority. This duty applies in respect of both the current school population and anticipated pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003.

2.2 East Lothian Council is committed to raising educational attainment and ensuring that all children and young people have the best start in life and are ready to succeed. East Lothian's Education Service aims to provide the best education in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We will all work together to Get it Right for Every Child and to ensure that all children and young people are Safe, Healthy, Nurtured, Active, Respected, Responsible and Included. To

realise our vision we will:

- act with ambition and integrity to open minds to the rights and values of education and help everyone to achieve their potential;
- work together to nurture all our children and young people;
- demonstrate a community working together to make that difference for every child; and
- collectively strive for excellence and equity for all.

2.3 Our vision and values for education within East Lothian Council align with the Key Priorities in the National Improvement Framework for Scottish Education 'Achieving Excellence and Equity' (Scottish Government, January 2016) and 'Delivering Excellence and Equity in Scottish Education' (Scottish Government, June 2016):

- Improvement in attainment, particularly in literacy and numeracy;
- Closing the attainment gap between the most and least disadvantaged children;
- Improvement in children and young people's health and wellbeing; and
- Improvement in employability skills and sustained, positive school leaver destinations for all young people.

2.4 East Lothian Council has set out its vision for early learning and childcare in the 'Early Learning and Childcare Strategy 2016-2021', making a clear commitment to working with children, families and partners in the community to ensure that children have the best start in life and are ready to succeed. The Strategy outlines three guiding principles as follows:

- Deliver on the Scottish Government's commitment to increase the number of funded early learning & childcare hours for all three and four year olds and eligible two year olds from 600 to 1140 per year by 2020. Targeting support towards the parents, children and communities most in need.
- To close the attainment gap through early intervention and reduce the impact of disadvantage by providing targeted support to families facing additional pressures.
- To ensure an informed, well-qualified, skilled and motivated workforce to enable delivery of high quality early learning and childcare services capable of meeting future demand and challenges, as we move towards 1140 hours.

2.5 In August 2013 the Head Teacher of Law Primary School assumed the role of Head Teacher of North Berwick Nursery School under a shared headship arrangement following the retirement of the nursery school Head Teacher. There has been no local authority managed nursery class historically at Law Primary School as North Berwick Nursery School contributed towards the nursery provision in the local area.

- 2.6 While North Berwick Nursery School is registered as a stand-alone nursery school, the current staffing, budget and management operation is in line with the nursery class model which is in operation across East Lothian Council's authority managed nursery establishments, reflecting the shared headship with Law Primary School.
- 2.7 The Scottish Government recently announced plans to strengthen the role of Head Teachers as leaders of learning within the Education Governance: Next Steps 15th June 2017 (<http://www.gov.scot/Resource/0052/00521038.pdf>). East Lothian Council places a high importance on supporting our Head Teachers in developing the skills and knowledge to secure improvement in our schools. Over the past few years, the implementation of Curriculum for Excellence and the Scottish Government's new national outcomes for education as set out in the National Improvement Framework have brought about changes to the role of a Head Teacher. East Lothian Council considers formalising the shared headship across North Berwick Nursery School and Law Primary School through this proposal to be the preferable option in providing the Head Teacher with the ability to carry out effectively such duties associated with both recent and planned changes within education.
- 2.8 The Council must consult on certain changes in arrangements for educating children in its area before it can commit to delivering them. This includes when proposing a permanent change to any of their schools, including nursery schools, such as closure, relocation or change of catchment area. This proposal required a formal consultation to be carried out in accordance with the Schools (Consultation) (Scotland) Act 2010. This report documents the formal consultation undertaken on this proposal between 24<sup>th</sup> October 2017 and 4<sup>th</sup> December 2017.
- 2.9 The proposed closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class will **directly affect** the following schools and is considered in this Proposal Document:
- Law Primary School
  - North Berwick Nursery School
- 2.10 The educational benefits that will arise from this proposal for children affected or likely to be affected were outlined in the Consultation Proposal Document. It is believed that this proposal is the most reasonable, viable and appropriate course of action open to it in providing primary education and early learning & childcare provision within the context of these schools. The reasons for coming to this view and consulting on the proposal were set out in Section A of the Consultation Proposal Document.

### **3. CONSIDERATIONS**

3.1 The main considerations relating to the proposed closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class are fully explained in Section A of the Consultation Proposal Document. The main points are highlighted below:

- The requirements of the National Improvement Framework and the new duties proposed within Education Governance: Next Steps.
- The responsibilities associated with the expansion of early learning and childcare from 600 to 1140 hours.
- The duties placed on local authorities in relation to the efficient and effective management of the school estate.

### **4. THE CONSULTATION PROCESS**

4.1 The Council has met the minimum requirements set out in the Schools (Consultation) (Scotland) Act 2010 with regards to ensuring the views of all members of the community were listened to and their views are included in this report. The Council believes that this report accurately reflects the views of the community, which have been gathered through a range of engagement events and response mechanisms. It is for members of East Lothian Council to decide to adopt the proposal, withdraw it or seek to consult on another proposal.

4.2 Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation.

4.3 The Consultation Proposal Document was published on East Lothian Council's website and paper copies distributed on 24<sup>th</sup> October 2017 to:

- Dirleton Primary School
- Law Primary School
- North Berwick Nursery School
- Aberlady Primary School
- Athelstaneford Primary School
- Gullane Primary School
- Fenton Barns Nursery
- Mary Poppins Nursery
- Pumpkin Patch North Berwick Nursery
- Dirleton Playgroup
- Gullane Playgroup
- North Berwick Community Centre

- North Berwick Health Centre
- John Muir House, Haddington.

4.4 The consultation period commenced at 12.00am on **Tuesday 24th October 2017** and lasted until 12.00am on **Monday 4th December 2017**, being a period of six weeks, which also included the statutory minimum 30 school days.

4.5 The proposal on which consultation took place was:

- To close North Berwick Nursery School as a stand-alone nursery school and re-designate it to a nursery stage within Law Primary School.

4.6 The requirements for consulting on a relevant proposal relating to schools are set out in the Schools (Consultation) (Scotland) Act 2010.

4.7 An information leaflet setting out details about the proposal and consultation meetings was issued to the consultees listed in the Consultation Proposal Document. Advice on where the complete Consultation Proposal Document could be obtained was included and was published on East Lothian Council’s Consultation Hub:

<http://www.eastlothianconsultations.co.uk/education/northberwickconsultation>

4.8 If requested, copies of the proposal would have been made available in alternative formats or translated for readers whose first language is not English.

4.9 A “Frequently Asked Questions” document was also prepared which was available at the same location on East Lothian Council’s Consultation Hub:

<http://www.eastlothianconsultations.co.uk/education/northberwickconsultation>

4.10 An advertisement was placed in the local newspaper on **26<sup>th</sup> October 2017** and **16<sup>th</sup> November 2017**. A pre-announcement was also made on the Council’s website and social media posts on the **23<sup>rd</sup> October 2017**. In addition, there were announcements related to the consultation process on East Lothian Council’s website, linked via a Facebook page and Twitter feeds.

4.11 The public meeting was held at **North Berwick High School** on **Tuesday 21<sup>st</sup> November 2017 at 7.00pm**.

4.12 In addition to specific meetings with statutory consultees, drop-in sessions were held in respect of the proposal at the venues below, at which any members of the public and staff were welcome to attend:

Venue	Date	Time
Dirleton Primary School	6 <sup>th</sup> November 2017	12:00pm – 5:00pm
North Berwick Community Centre	9 <sup>th</sup> November 2017	12:00pm – 5:00pm



4.13 In accordance with statutory requirements, the following persons, including those indirectly affected, were consulted:

- The Parent Councils of Law and Dirleton Primary Schools
- The parents/carers of children at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The parents/carers of any children expected to attend Dirleton Primary School, Law Primary School and North Berwick Nursery School within two years of the date of publication of the proposal paper
- The children at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The staff at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The trade union representatives of the above staff
- North Berwick Coastal Area Partnership
- North Berwick Community Council
- Gullane Area Community Council
- Dunpender Community Council

4.14 The following schools are **directly affected** by the proposal:

- North Berwick Nursery School
- Law Primary School

4.15 Representations were sought from statutory consultees and the wider public in the following ways:

- An online questionnaire on East Lothian Council's Consultation Hub. The questionnaire asked specific questions and enabled general comments and views to be entered. The Consultation Hub stored all relevant consultation documentation for public viewing;
- Widely distributed paper copies of the same questionnaire, at Council buildings around the North Berwick area. Sealed boxes were also located at Law Primary School, North Berwick Nursery School and Dirleton Primary School for their return;
- Paper and digital flyers, in addition to the press adverts and Council web and social media announcements linked to the Consultation Hub. These flyers also detailed a specific Education Consultations email inbox, to which any queries could be submitted during the consultation period;
- Flyer distribution to pupils at Law Primary School, Dirleton Primary School and North Berwick Nursery School as well as all local authority managed nursery classes and partner providers within the North Berwick cluster area. The Head Teacher of the

affected schools used established methods of communication to engage/remind parents about the consultation and the Education Scotland independent evaluation visit.

- In addition to the public meeting and public drop-in sessions, staff at the affected schools were also invited to attend a planned staff voice session held at Law Primary School, Dirleton Primary School and North Berwick Nursery School to discuss the proposal;
- A representative group of pupils from Law Primary School and Dirleton Primary School attended separate workshops where they were able to express their views on the proposal;
- Meetings were held with Law Primary School Parent Council and Dirleton Primary School Parent Council to discuss the proposal.

4.16 This Consultation Report is the Council's response to the points raised during the consultation period on the Consultation Proposal Document.

4.17 This Consultation Report will be published for a period of three weeks before a final decision is taken by East Lothian Council on 24<sup>th</sup> April 2018.

## **5. RESPONSES TO THE CONSULTATION EXERCISE**

5.1 As part of the consultation process, the Council sought the views of a wide range of stakeholders. The Council provided stakeholders with a short online or paper questionnaire and also made good arrangements for receiving additional written responses. The Council received 35 responses to its questionnaire.

5.2 Although the responses to the questionnaire capture the flavour of opinions regarding the consultation and are all valued, it is important to note that such a small sample size is not statistically significant.

5.3 The comments made as part of the questionnaire submissions are included in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in section 8 of this report.

5.4 The questionnaire responses are summarised by category in the following tables:

**Table 1 – Number of respondents by type of respondent**

<b>Type of Respondent</b>	<b>No. of Responses</b>	<b>% of Responses</b>
Groups	1	3%
Individuals	34	97%
<b>Total Responses</b>	<b>35</b>	<b>100%</b>

**Table 2 – Number of individual respondents by category**

Individual Respondents	No. of Responses	% of Responses
Parents	30	88%
Staff	3	9%
Other	1	3%
<b>Total Responses</b>	<b>34</b>	<b>100%</b>

**Table 3 – Number of group respondents by category**

Group Respondents	Number of Responses	% of Responses
Community Council	1	100%

### Response Analysis from Individuals

5.5 The number of responses to the consultation in support or not in support of the proposal by category of respondent is shown in Table 4 below:

**Q - To what extent do you agree or disagree with the proposal to close North Berwick Nursery School and re-designate it as Law Primary School Nursery Class?**

**Table 4 – Number of respondents by category**

Individual Respondents	Agree/ Strongly Agree		No Opinion/Not Answered		Disagree/ Strongly Disagree		Total	
	No.	%	No.	%	No.	%	No.	%
Parents	18	60%	3	10%	9	30%	30	100%
Staff	1	33%	0	0%	2	67%	3	100%
Other	1	100%	0	0%	0	0%	1	100%
<b>Total Responses</b>	<b>20</b>	<b>59%</b>	<b>3</b>	<b>9%</b>	<b>11</b>	<b>32%</b>	<b>34</b>	<b>100%</b>

### Response Analysis from Groups

5.6 There was 1 response from Gullane Area Community Council who held no opinion on the proposal.

### The Public Meeting

5.7 A public meeting was held in North Berwick High School on Tuesday 21<sup>st</sup> November 2017 which was attended by one member of the community. A full note of the meeting is attached at Appendix 2 which details the questions and issues raised at the meeting. The points raised are addressed within the response to Frequently Asked Questions or within this report.

- 5.8 Additionally, drop-in sessions were arranged at both schools during the consultation period, enabling any member of the public and staff to ask questions and discuss the proposal, the consultation process and how they could make representations

### **Pupil & Staff Voice Sessions**

- 5.9 During the consultation period, Council officers invited staff at the affected schools to attend planned staff voice sessions held at Law Primary School, Dirleton Primary School and North Berwick Nursery School to discuss the proposal. Council officers also visited Dirleton Primary School and Law Primary School providing good opportunities for pupils to discuss their views. A note of the staff and pupil voice sessions are included as Appendices 3 and 4. Staff at North Berwick Nursery School expressed mixed views on the proposal. Overall, pupils expressed their support for the proposal.

## **6. SUPPORT FOR THE PROPOSAL**

- 6.1 59% of all individual questionnaire respondents (20 responses) to the consultation were in favour of closing North Berwick Nursery School and re-designating it to Law Primary School Nursery Class. The full text of all responses received can be read in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of this report.
- 6.2 The main points from the individual responses that were in favour of the proposal were as follows:
- Wraparound care - location and closure of building
  - Closure and moving of the nursery building - outdoor space

## **7. OPPOSITION TO THE PROPOSAL**

- 7.1 32% of all individual questionnaire respondents (11 responses) to the consultation were not in favour of closing North Berwick Nursery School and re-designating it to Law Primary School Nursery Class. The full text of all responses received can be read in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of this report.
- 7.2 The main issues raised in these responses were as follows:
- Closure and moving of the nursery building - outdoor space
  - Wraparound care - location and closure of building
  - Management structure and staffing for the nursery

## **8. EDUCATION AUTHORITY RESPONSE TO THE MAIN ISSUES RAISED**

### **8.1 Concerns over the location of the nursery building**

8.1.1 The proposal to close North Berwick Nursery School as a stand-alone nursery and re-designate to Law Primary School Nursery Class will not affect the location of the nursery building. Law Primary School Nursery Class will operate within the current North Berwick Nursery School facilities. Therefore, this proposal will not affect the use of the existing outdoor space at the nursery. The proposal will also not affect the wraparound service currently offered in the North Berwick area.

### **8.2 Management structure and staffing for the re-designated nursery class**

8.2.1 The Scottish Government commits to providing 1140 hours of early learning and childcare for all three and four year olds, and eligible two-year-olds for the beginning of the academic year, August 2020. To assist Local Authorities in this task the Scottish Government has published an action plan: “A Blue Print for 2020: The expansion of early learning and childcare in Scotland” 2017–18 Action Plan. The above document makes it clear that quality provision benefits all children, however, quality does not sit with the structure of a building but what goes on within. We should also remind ourselves that early learning does not begin when children are three but starts from birth in the home. In acknowledgement of this, East Lothian Council support a number of community initiatives working to support parents to be, parents and young children within their own homes and communities.

8.2.2 Working with parents and young children in the community is acknowledged as an investment, with the positive effects and outcomes from this support evidence as children progress through school.

8.2.3 East Lothian Council, as with all Authorities across Scotland, has begun the journey towards the provision of 1140 hours of early learning and childcare by 2020. As trials begin and we move away from the conventional nursery times and provision, there will be opportunities for staff to work in different ways. Law Primary School Nursery Class will continue to benefit from management time from the senior leadership team in the primary school who will work with nursery staff to ensure high quality provision for all children attending the nursery. This practice is common-place across all East Lothian primary schools with nursery classes. At the time of consulting on this proposal, East Lothian Council is also transforming the early year’s workforce including creating a new Senior practitioner role who will take on a leadership role in the nursery. Recruitment for these positions will begin in May 2018 and Law Primary School Nursery Class will benefit from this change. From August 2018 teachers working in East Lothian local authority nurseries will be redeployed in primary schools.

8.2.4 The Scottish Government commits not only to provide 1140 hours of early learning and childcare by 2020, but also to support parents in their choice of provision, “provider neutral” an “enhanced role for childminders” and through a “choice of settings” provide “increased flexibility”. East Lothian Council, in their planning for 1140 hours, are considering a number of trials, the majority of which are to be finalised before announcements to parents and communities will be made.

8.2.5 East Lothian Council in rising to the challenge of providing 1140 hours of early learning and childcare by 2020, and will, between 2017 and 2020, consult with parents and trial different models of provision in cluster areas. This will include more flexibility and choice for parents and involve Local Authority and Partnership Centres, as well as Childminders and other registered childcare providers within the community. Trials will begin slowly so that feedback, from staff working in different ways and parents using different models, can be taken into account before rolling out across the county.

## **9. EDUCATION SCOTLAND REPORT**

9.1 In accordance with the Schools (Consultation) (Scotland) Act 2010, a report was produced by Education Scotland on the educational aspects of the proposal. The Education Scotland report can be read in full at Appendix 5.

9.2 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the Council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Law and Dirleton Primary Schools, including discussion with relevant consultees.

9.3 Section 4 of the Education Scotland report summarises their findings and conclusions as follows:

*“HM Inspectors consider that this proposal has the potential to bring educational benefits to the children and families in North Berwick Nursery and Law Primary School. The proposal formalises the current management and staffing arrangements through the creation of the former North Berwick Nursery as a nursery class within Law Primary School. Improved transitions for children as they progress from nursery to primary school should result from greater opportunities for collaboration and professional learning for all staff. In moving forward with the proposal, the council should continue to work with those nursery staff who are not yet convinced of the benefits with regard to staffing and resourcing in the proposed new arrangements.”*

## **East Lothian Council's Response to Education Scotland's Report**

9.4 East Lothian Council welcomes the report from Education Scotland and accepts its findings. The points raised by Education Scotland within the Education Scotland Report were also key themes identified through the consultation process and are addressed in Section 8 of this consultation report. The Education Authority will continue to engage with staff regarding the proposed new arrangements.

### **10. TRANSITION ARRANGEMENTS**

10.1 Subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, if approved, the closure and re-designation of North Berwick Nursery School as a stand-alone nursery school to Law Primary School Nursery Class will take effect from August 2018, or as soon as possible thereafter.

10.2 Children currently attending North Berwick Nursery School and Law Primary School will not be significantly affected by the closure and re-designation as North Berwick Nursery School has been operating under a shared headship arrangement with Law Primary School since August 2013.

10.3 Parents of eligible pre-school children would continue to apply for early learning and childcare provision at the re-designated Law Primary School Nursery Class through the Council's existing Nursery Admissions processes.

10.4 Current management operations that are already in place through the shared headship will be formalised under a single management structure within Law Primary School.

### **11. ALLEGED OMISSIONS OR INACCURACIES**

11.1 Section (10) (3) of the Schools (Consultation) (Scotland) Act 2010 also places a requirement on the Council to provide details of any alleged inaccuracy or omission within the Consultation Proposal Document which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.

11.2 There were no inaccuracies or omissions within the Consultation Proposal Document either identified by the Council or raised by consultees during the consultation period.

### **12. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010**

12.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

*After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:*

- (i) written representations received by the Authority (from any person) during the consultation period,*
- (ii) oral representations made to it (by any person) at the public meeting,*
- (iii) Education Scotland's report.*

12.2 Following receipt of 35 questionnaire responses officers reviewed the proposal. There were no oral representations made at the public meeting held during the consultation period.

12.3 The feedback from the consultation was considered by relevant officers within the Council's Education Service. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

### **13. LEGAL ISSUES**

13.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation.

13.2 The Council is mindful of its duties in respect of equality and the Equality Impact Assessment did not identify that any parent, child or young person would be treated less favourably as a result of this proposal.

13.3 Under the terms of the Schools (Scotland) (Consultation) Act 2010, it is a legal requirement that the Council should not reach any formal decision without having reviewed the relevant proposal having regard, in particular, to:

- a) relevant written representations received from any person during the consultation period;
- b) oral representation made to it by any person at the public meeting held on 21<sup>st</sup> March 2017;
- c) the Education Scotland report;
- d) preparing a Consultation Report; and
- e) waiting until a period of three weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.

13.4 As it is the intention that this Consultation Report should be published, both electronically and in written form, if required, on 29<sup>th</sup> March 2018, this meets the statutory requirement to publish this report more than three weeks before consideration of the proposal by East Lothian Council.



#### **14. SCOTTISH MINISTERS CALL-IN CLOSURE PROCEDURE**

- 14.1 At the end of the consultation process, Section 15 of the *Schools (Consultation) (Scotland) Act 2010* enables Scottish Ministers to call-in a decision to implement the proposed closure and re-designation of North Berwick Nursery School to Law Primary Nursery Class.
- 14.2 Beginning on the day that a final decision has been taken, the Council must notify Scottish Ministers of this decision within a period of six working days. Scottish Ministers then have a period of eight weeks from and including the date of decision to decide if they will call-in the proposal. The Council must publish the fact that the Scottish Ministers have been notified and that representations can be made to the Scottish Ministers within the first three weeks of the eight-week period. The Scottish Ministers will take into account any relevant representations that were made to them by any person within the first three weeks. The Council may not proceed with the implementation of the proposal until this eight-week period has passed.
- 14.3 If the Scottish Ministers decide to call in a closure proposal, it is then referred to the Convener of the School Closure Review Panels who has a period of seven days after a call in notice is issued to constitute a School Closure Review Panel. The Panel may decide to refuse consent to the proposal, refuse consent and remit it to the education authority for a fresh decision or grant consent to the proposal, either subject to conditions, or unconditionally. The Panel must notify the education authority of its decision within eight weeks from when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the education authority that a decision has been delayed. The Council may not proceed with the implementation of the proposal until the outcome of the call-in has been notified to the Council.

#### **15. PERSONNEL ISSUES**

- 15.1 No personnel issues have been identified with regard to this proposal.

#### **16. ENVIRONMENTAL ISSUES**

- 16.1 No environmental issues have been identified with regard to this proposal.

#### **17. CONCLUSION**

- 17.1 Officers of the Education Authority have considered carefully the written representations, including the Education Scotland report. Having reviewed the feedback from consultees, officers conclude that the basis of the original proposal remained the best solution in providing primary education and early learning & childcare provision within the context of these schools.

17.2 The re-designation of North Berwick Nursery School as a nursery class supports continuity and progression in young children's learning and will further develop and enhance current arrangements in place through the shared headship. The proposal will formalise current management operations that are already in place through the shared headship under a single management structure with Law Primary School. This will have a positive impact on the children in both schools by further developing and enhancing a shared vision, values and aims from the nursery class through to P1 and beyond in both schools. The proposal will improve the continuity and progression in learning across all curriculum areas and stages of learning. Young children will benefit from seamless transition between pre-school and primary with staff and management who know them well.

17.3 The key messages deriving from the consultation period are as follows:

- 59% of all individual questionnaire respondents (20 responses) to the consultation were in favour of closing North Berwick Nursery School and re-designating it to Law Primary School Nursery Class, 32% (11 responses) were not in favour and 9% (3 responses) had no opinion;
- There was 1 response from a group, Gullane Area Community Council, who held no opinion on the proposal;
- During the consultation period, Council officers invited staff at the affected schools to attend planned staff voice sessions held at Law Primary School, Dirleton Primary School and North Berwick Nursery School to discuss the proposal. Council officers also visited Dirleton Primary School and Law Primary School providing good opportunities for pupils to discuss their views. Staff at North Berwick Nursery School expressed mixed views on the proposal. Overall, pupils expressed their support for the proposal. Staff who met with Officers did not have any concerns regarding the proposal.

17.4 Education Scotland has identified that the proposal has the potential to bring educational benefits to the children and families in North Berwick Nursery and Law Primary School. This includes *“Improved transitions for children as they progress from nursery to primary school should result from greater opportunities for collaboration and professional learning for all staff”*.

17.5 The Council now has 3 options to consider, namely:

- a) adopt the proposal;
- b) withdraw the proposal;
- c) undertake a further consultation exercise on a new proposal.

17.6 If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Consultation Proposal Document would materialise.

17.7 In withdrawing the proposal, the alternative to the closure and re-designation of North Berwick Nursery School as a stand-alone nursery school to a stage within Law Primary School is to continue with an informal shared headship arrangement which is not in line with the Council's vision and values for Education and Early Learning & Childcare.

## 18. **RECOMMENDATIONS**

18.1 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most reasonable, viable and appropriate course of action open to it in providing primary education and early learning & childcare provision within the context of these schools

18.2 Following the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, it is recommended that the Council approves the following:

- North Berwick Nursery School will be closed and re-designated to Law Primary School Nursery Class;
- the Care Inspectorate will be notified of the change in registration details;
- The re-designation of North Berwick Nursery School to Law Primary School Nursery Class will take effect from August 2018 or as soon as possible thereafter.

Fiona Robertson  
Head of Education  
March 2018

## APPENDIX 1: COMMENTS FROM QUESTIONNAIRE RESPONSES

Of the 35 questionnaire responses, 10 contained comments of whom 7 declined permission to make their comments publicly available. However, their representations have been taken account of and responded to in Section 8 of this Consultation Report. The summary of comments below, were made from the remaining 3 responses who gave permission to share their comments publicly.

### Responses from Individuals

#### Responses from those in support of the proposal to close North Berwick Nursery School and re-designate it to Law Primary School Nursery Class

The comments included with those responses received that were in favour of the proposal are shown below:

Comments
<p>My only concerns with Proposal 1 would be whether the change of location would negatively impact the wraparound care options for working parents. Pumpkin Patch, for example, currently walk children to and from NB Nursery School at the current location - and it may be felt that the distance to the primary school would be too far to continue this option. There are also people employed specifically for this purpose, so this may impact these roles.</p> <p>I also have concerns on the additional traffic that would be created at dropoff and pickup times - Law Road and Grange Road are already significantly impacted by the existing schools at 8.30 am - so adding pre-school to this could create further issues.</p> <p>However, as an option for parents that have both primary school and nursery aged children - this could be an obvious efficiency.</p>

#### Responses from those who are not in favour of the proposal to close North Berwick Nursery School and re-designate it to Law Primary School Nursery Class

The comments made in the responses that were not in favour of the proposal are shown below.

Comments
<p>I would like to hear more on the reasoning but the nursery school has a wonderful garden area and it would be so sad to lose it along with all the education opportunities it offers. The nursery currently do an excellent transition up to the primary school.</p>
<p>My main concern is that the outdoor space is so good at the current North Berwick Nursery and there does not appear to be the same provision at Law Primary.</p>

## **APPENDIX 2: NOTE OF PUBLIC MEETING**

### **STATUTORY PUBLIC CONSULTATION MEETING**

#### **PROPOSAL 1 – PROPOSED CLOSURE AND RE-DESIGNATION OF NORTH BERWICK NURSERY SCHOOL TO LAW PRIMARY SCHOOL NURSERY CLASS**

#### **PROPOSAL 2 – TO ALTER THE SCHOOL CATCHMENT AREAS OF DIRLETON PRIMARY SCHOOL AND LAW PRIMARY SCHOOL**

**TUESDAY 21 NOVEMBER 2017  
NORTH BERWICK HIGH SCHOOL**

#### **PRESENT:-**

Chris Webb, Independent Adviser, Chair of meeting  
Lesley Brown, Quality Improvement Manager  
Richard Parker, Service Manager, Education  
Iain McFarlane, Planning Service Manager, Development Management  
Pauline Smith, Principal Officer (Information & Research)  
Rob Lewis, Senior Information Officer  
Katy Johnstone, Graduate Intern  
David Gilmour, Web Officer  
1 member of the public

Chris Webb welcomed everyone to the meeting, introduced himself and outlined the purpose of the meeting. He informed the attendee that the meeting was being recorded to allow the Council to have an accurate record of any issues raised so they can answer any questions in more detail at a later date. The views recorded will form part of the consultation exercise.

Chris Webb advised that the purpose of the meeting is to give members of the public the opportunity to hear more about the proposals, ask questions about the proposals and have their views recorded and noted and taken account of as part of the consultation process.

He acknowledged that there were two proposals however the member of the public in attendance identified that they were only interested in the second proposal. It was the member of the public's preference to only discuss the second proposal.

Richard Parker reiterated that the meeting was being held to discuss two proposals but as there was no interest in the first proposal, only the second was to be presented:-

- To alter the catchment areas of Dirleton Primary School and Law Primary School
- If approved, the catchment area of Law Primary School will be extended to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park, North Berwick currently in the catchment area of Dirleton Primary School

- The proposed changes to the Dirleton Primary School and Law Primary School catchment areas will become operational with immediate effect.

### **Background on Proposal Two**

- On 13<sup>th</sup> November 2015 planning permission in principle was allowed under appeal for planning application 14/00632/PPM, a new residential development on the land at Ferrygate Farm (known as Ferrygate Meadow).
- The supporting documentation at the time of the application assessment indicated that the new development could be wholly contained within the Law Primary School catchment boundary
- In the Spring of 2017 the location of the houses as mapped on the Council's geographical information system showed that the current Law Primary School catchment boundary now divides Ferrygate Meadow.
- 132 of these 140 properties are located within the current Law Primary School catchment area and the remaining 8 properties are located within the Dirleton Primary School catchment area.
- The Ferrygate Meadow development has escalated a legacy catchment boundary issue to the west of the current Law Primary School catchment boundary which runs across open fields.
- To enable all of the properties from the development to be in the same catchment, it is proposed that the boundary line will be extended to the next appropriate natural boundary.
- As a result, this change will include houses in the area of Westerdunes Park which are also currently in the Dirleton Primary School catchment area.

### **Educational Benefits**

The proposed alteration of the catchment areas of Dirleton Primary School and Law Primary School will have educational benefits through:

- Ensuring all primary aged children from the new development at Ferrygate Meadow will be able to attend the same school.
- Promoting a greater sense of community and providing the opportunity for children living within the properties at Ferrygate Meadow and Westerdunes Park to develop and sustain strong relationships both at school and at home.

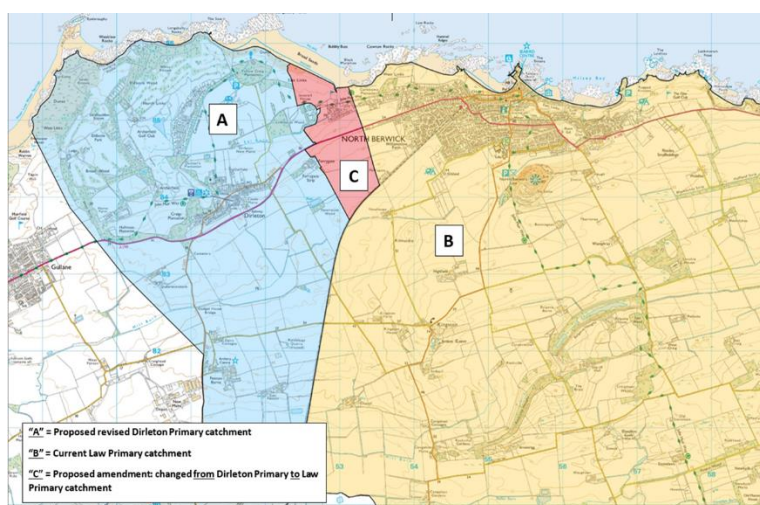
## **Transition Arrangements**

- Pupils who currently attend Dirleton Primary School and Law Primary School will not be significantly affected as the proposed catchment changes will only impact on future pupil enrolments.
- Children currently living in the affected area and attending Dirleton Primary School will continue to attend Dirleton Primary School for the remainder of their primary education.
- For children starting P1 living in the affected area who have a sibling continuing to attend Dirleton Primary School in the same academic year who would, but for implementation of the proposal, be likely to become pupils of that school, will have the option to attend Dirleton Primary School if they wish to do so.

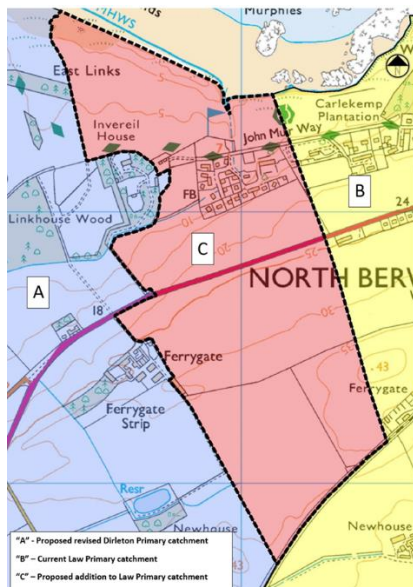
## **School Capacity**

- Law Primary School with its extension has the capacity to accommodate the projected pupil numbers that will arise from the proposed boundary change and the committed housing developments in the Law Primary School catchment area.
- Further expansion of Law Primary School is not required as a result of this proposal.
- Dirleton Primary School has the capacity to accommodate the projected pupil numbers which will arise from the planned and committed housing development in its catchment area.
- However, the Dirleton Primary School facilities and site are constrained and would not have the ability to be physically extended to accommodate the additional pupils projected to arise from the new development at Ferrygate Meadow in addition to the planned and committed housing developments in the Dirleton catchment area.

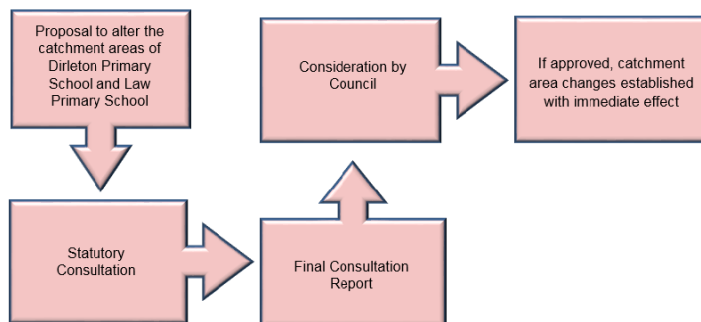
## **Map of Locations 1**



## Map of Locations 2



## Project Timeline – Proposal 2



Chris Webb invited questions from the member of the public.

**The member of the public stated that the proposal was clear and that they expected there to be an answer on the outcome when the proposal ends on the 4<sup>th</sup> December.**

Richard Parker responded that after the close of the consultation the proposal would need to go to Council to be approved. He explained that this proposal will not become effective until after the Council meeting and once Scottish Ministers have had the opportunity to call the proposal in.



Chris Webb explained that although the time between the consultation and the Council decision seemed long, this is the process that is undertaken for all statutory school consultations. He explained that there had to be due diligence in the process of every consultation and that the role of Education Scotland was to scrutinise the educational benefits of the proposal as an independent body. He reiterated the process undertaken by both Education Scotland and the Local Authority and explained that it was in place to ensure that the process was safeguarded by an independent perspective.

**The member of the public stated that they understood the timescales and that their reason for attending the meeting was to show their support for the proposal. They stated that they supported the proposal for the inclusivity of the children who would grow up in one of the 8 houses in the current Dirleton Primary School catchment, living in North Berwick but potentially having to go to a school that wasn't in town. They felt that it would be hard for the children to forge friendships and a network of friends as they would have children a stone's throw away who go to a different school. The member of the public felt that the current situation is divisive and they would not want their children to take a place from a child at Dirleton Primary School as they felt that Dirleton Primary School was for Dirleton residents. They also stated that there is a safe walking route from Ferrygate Meadow to Law Primary School which is not the case with Dirleton Primary School as there is a national speed limit road and you could not consider a child walking to school using that route. The member of the public wished to safeguard the future for other families that would be potentially moving into the street and would find themselves in that awkward position where their children would be in a different catchment area.**

Chris Webb drew the meeting to a close and thanked everyone who attended the meeting.

### **APPENDIX 3: NOTE OF STAFF VOICE SESSIONS**

#### **Dirleton Primary School Staff Voice Session 07/11/2017**

Staff members attended to let officers know they had no concerns about the consultation proposals.

#### **North Berwick Nursery School Staff Voice Session 10.11.2017**

*David Scott (DS) and Katy Johnstone met with a group of staff. David Scott described the proposal and then there was a group discussion:*

Staff explained that there had been misunderstanding about the wording of the proposal document re moving of the nursery. DS confirmed that it would not be moving as a result of this consultation.

Staff had concerns about the school roll growing over the next few years and the capacity of the nursery to cope with this.

Many staff felt the consultation has come too late, the consultation is happening now and should have happened before the change of management 4 or 5 years ago.

There were some reservations about how the transition would change given that they have been doing it for many years.

Staff still see the nursery as being in itself separate from the primary school.

Staff feel that they would no longer be the top priority when they become part of the primary school.

Staff felt that there have been big changes in management, a high turnover of deputies.

Staff feel they are struggling because of the lack of admin time and staff.

Staff felt that it is important to have teachers in nursery as well.

Overall, some staff want to stay standalone nursery and others are fine with the change.

#### **Law Primary School Staff Voice Session 16/11/2017**

Staff members were invited to attend a meeting to share their views, none attended.

## **APPENDIX 4: NOTE OF PUPIL VOICE SESSIONS**

The Pupil Voice sessions were structured workshops with a representative group of pupils from the school. The following are summaries of the discussions and questions/answers.

### **Dirleton Primary School Pupil Voice Session 06/11/2017**

David Scott and Katy Johnstone met with a group of pupils for a short time. David Scott described the proposals and the pupils put forward their thoughts:

- 'You would want to go to the same school as your friends'
- Concerns about their postcode changing
- 'It will be a big change but it could work out very well, it works in Haddington' (regarding the nursery)
- Concerns about having to move school if living in the change area

### **Dirleton Primary School Pupil Voice Session 16/11/2017**

David Scott and Katy Johnstone met with a group of pupils for a second time as it was felt there was not enough opportunity for all of the children to share their views on the proposal. David Scott described the proposal and then there was a group discussion:

There was a discussion around how the children felt when they came to school for the first time

- Scared, didn't like the idea of a big school
- Excited, already had siblings at the school so knew what it was like

Some children felt the first proposal is an okay idea, but it feels like it could go either positively or negatively.

Others felt it was a change for the good – just a bit nostalgic about the nursery school

Can't see how it would be a bad thing, really just a change of name.

#### *Regarding Proposal 2*

Did not feel it was fair in the current position, if your best friend was on the other side of the line it's not good.

Overall the children thought it was a pretty good idea.

### **Law Primary School Pupil Voice Session 16.11.2017**

David Scott and Katy Johnstone met with a group of pupils. David Scott described the proposals and then there was a group discussion:

There was a discussion around how the children felt when they came to school for the first time:

- Nervous
- Excited
- Difference between a day of playing at nursery and the work of Primary 1

All children felt that the first proposal was fine.

Regarding proposal 2, there were questions as to why the council was not making the catchment area of Dirleton Primary School larger instead of Law Primary Schools. David Scott explained that there would not be capacity at Dirleton Primary School for all of the children in the catchment area if it was to be extended.

Many children expressed dismay at the thought of children who were neighbours not being able to go to school together.

## APPENDIX 5: EDUCATION SCOTLAND REPORT

### Report by Education Scotland addressing educational aspects of the proposal by East Lothian Council to close North Berwick Nursery School and re-designate this as Law Primary School Nursery Class.

#### 1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of East Lothian Council's proposal to close North Berwick Nursery School and re-designate this as Law Primary School Nursery Class. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

#### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children of North Berwick Nursery and Law Primary School; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

#### 1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and

- visits to the site of North Berwick Nursery and Law Primary School, including discussion with relevant consultees.

## **2. Consultation Process**

2.1 East Lothian Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The consultation process ran from 24 October 2017 until 4 December 2017. Copies of the consultation document and an information leaflet were available on the East Lothian Council consultation website. In addition, paper copies and questionnaires were available in local schools and council buildings. An advertisement was placed in the local newspaper and the council used social media posts to raise further awareness. A public meeting was held at North Berwick High School on 21 November 2017. This meeting was attended by one local resident who wished to express a view about another proposal on which the council was also currently consulting stakeholders. Less formal drop in sessions were also held on 6 November 2017 at Dirleton Primary School and on 9 November 2017 at North Berwick Community Centre.

2.3 Thirty-five written and electronic responses were received by the council with a majority in favour of the proposal and just over 31% of respondents disagreeing or strongly disagreeing.

## **3. Educational Aspects of Proposal**

3.1 HM Inspectors consider that the proposal has the potential to bring educational benefits. The headteacher of Law Primary School assumed the role of headteacher of North Berwick Nursery School under a shared headship arrangement in August 2013. The current staffing, budget and management arrangements in the nursery reflect the model which is in operation across East Lothian Council. The proposal seeks to formalise this arrangement permanently.

3.2 The formalised arrangements outlined in the proposal will assist the council to respond to the expansion of early learning and childcare from 600 to 1140 hours as part of a range of flexible options. It also contributes to best value with regard to the efficient and effective management of the school estate.

3.3 The proposal has the potential to allow children to benefit from stronger transition between early years and primary with staff and management who know them well. This should lead to improved progression in learning and improved consistency in teaching and learning approaches. The delivery of, in particular, the Early Level of Curriculum for Excellence will be improved through joint professional learning and the deployment of staff from the nursery class and other stages.

3.4 All parents and children who met with HM Inspectors were in support of the proposal. At an earlier stage in the process, some parents had wrongly assumed that North Berwick Nursery would be closing and moving from its current location and this is reflected in the comments they made during the council's consultative activities. From the evidence collated by the council, stakeholders who agreed with the proposal could see the benefits to children from the closer links. Nursery staff were mixed in their views about the potential benefits. A few expressed concerns over the nursery losing its

independent identity and its future share of resources and administrative and management support.

#### **4. Summary**

HM Inspectors consider that this proposal has the potential to bring educational benefits to the children and families in North Berwick Nursery and Law Primary School. The proposal formalises the current management and staffing arrangements through the creation of the former North Berwick Nursery as a nursery class within Law Primary School. Improved transitions for children as they progress from nursery to primary school should result from greater opportunities for collaboration and professional learning for all staff. In moving forward with the proposal, the council should continue to work with those nursery staff who are not yet convinced of the benefits with regard to staffing and resourcing in the proposed new arrangements.

**HM Inspectors  
Education Scotland  
January 2018**